IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 9267 of 2005

Between:

G. Krishna Murthy S/o Raia Rao
Chief Engineer, Panchayat Raj Department, Hyderabad

..... PETITIONER

AND

1 The Principal Secretary to Government, Panchayat Raj & Rural Development Department Secretariat, Hyderabad
2 The Secretary to Government, General Administration Department, (Service), Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records connected with the Judgment of the A.P. Administrative Tribunal in O.A. No. 6882/1996 and batch judicially review the same and allow the O.A. No. 5047/2000 as prayed for and consequently accord all consequential and attendant benefits as regards seniority promotions, etc., and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner: MR.Y.VENKAT SASTRY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed assailing the order, dated 23.03.2005, passed by the A.P. Administrative Tribunal, Hyderabad in O.A.No.6882 of 1996.

2. Though the matter relates to an unending fixing of seniority list in the cadre of Engineers in Panchayat Raj Department, we are not inclined to go in to the merits of the case.

3. The Tribunal disposed of the O.A. with the following direction:

> "There was a general agreement on behalf of the counsel appearing for the applicants as well as the Government that in view of the averments made in the counter affidavit by the Engineer-in-Chief, supported by the Government that action is being taken to issue a revised confirmed seniority list, it is not possible to formulate the well delineated list in this case. in view of this, at this stage, it cannot be said that there is any list which can be adjudicated by this Tribunal in the category of Assistant Executive Engineers or higher categories, which necessarily depend on the seniority in the lower category. In view of this, all these O.As. are being disposed of, with a direction to the 1st respondent i.e., the Secretary to Government, Panchayat Raj and Rural Development Department to finalise the confirmed seniority list in the category of Assistant Executive Engineers and thereafter proceed to fix the seniority in the higher categories strictly in accordance with law. This exercise shall be completed within a period of three months, as there is considerable uncertainty is being prevailing in the Department for long time on account of the situation arising out of non finalisation of the confirmed seniority list. In view of the disposal of the main O.As., M.As., and C.A. stand closed. No costs."

4. Learned counsel for the petitioner submits that he has not given any general consent and he was also not heard on merits of the case, therefore, the order of the

Tribunal on facts is not sustainable.

5. On the other hand, learned Government Pleader submits that as it was a general consensus order, the petitioner is bound by it and he cannot challenge the same. If at all he is aggrieved, it is open for him to seek review of the order in accordance with rules.

6. We have heard both the learned counsel.

7. It is seen from the order of the Tribunal that without going into the merits of the case it disposed of the matter as extracted above. If the petitioner is aggrieved that he was not a party to the general agreement or he has not been heard, we leave it open for him to seek clarification/review on the ground that the matter which was disposed of by the Tribunal did not relate to the matter under issue, and seek appropriate direction to reopen the matter as far as the Writ Petition is concerned.

8. Accordingly, we dismiss the Writ Petition leaving it open for the petitioner to seek review, if he so chooses. No costs.

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G. BIKSHAPATHY, J

Date: 26.04.2005

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P.S. NARAYANA, J

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To

1 The Principal Secretary to Government, Panchayat Raj & Rural Development Department Secretariat, Hyderabad
2 The Secretary to Government, General Administration Department, (Service), Secretariat, Hyderabad

3 2 CCs to the GP for Panchayat Raj & Rural Development, High Court buildings, Hyderabad (OUT).

4 2 CD copies

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.